

REMARKS

Enclosed herewith is a Preliminary Amendment for the above-identified patent application, which is a divisional of U.S. Application Serial No. 09/268,405, filed March 15, 1999, which is a continuation of U.S. Patent Application Serial No. 08/742,279, filed October 31, 1996, now U.S. Patent No. 5,906,915, which is a continuation of U.S. Patent Application Serial No. 08/491,099 filed June 16, 1995, now abandoned, which is a continuation of U.S. Patent Application Serial No. 08/216,734, filed March 22, 1994, now abandoned, which is a divisional of U.S. Patent Application Serial No. 07/610,478 filed November 7, 1990, now abandoned.

Applicants note that the great-great-great grandparent, U.S. Serial No. 07/610,478, of the present application was the subject of an Appeal to the Board of Patent Appeals and Interferences. That Appeal (No. 93-3239) included Claim 18 which was directed to an aqueous red blood cell storage solution, and recited many of the components in the same concentrations as those now recited in new Claim 37. In the Appeal, original Claim 18 was, at that time, grouped with other claims that did not recite the specific concentrations recited in old Claim 18, and was held to stand or fall with such other claims.

Applicants respectfully submit that the Board's decision in said Appeal does not preclude Applicants from pursuing new Claim 37 and/or its dependent claims. Claim 37 is not directed to an aqueous storage solution per se, but rather to a red cell composition that includes concentrated red blood cells resuspended in a solution. In addition, new Claim 37 also recites an osmolarity of less than 300 mOsm. Also, new Claim 37 does not refer to guanosine. It is respectfully submitted that a claim such as Claim 37 was not previously presented and, thus, the patentability of such a claim was not separately argued in the earlier application. For the Examiner's convenience, a copy of the Board's 1994 decision is included herewith. Also included herewith is another, more recent (April 30, 2003) decision by the Board involving the parent application.

By this Amendment, Claims 1-36 have been cancelled. New Claims 37-41 have been added to the application.

Entry and favorable consideration of the proposed claims is respectfully requested.

Respectfully submitted,



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